IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 28020 of 1995

Between:

1 Kallakuri Satyanarayana Murthy S/o Seshagiri Rao
Mulasthanam & Archakas, Maleswaraswamy Devasthanam,
Mulasthanam
2 Kallakuri Ramachandra Rao S/o Buchiramayya
Mulasthanam & Archakas, Maleswaraswamy Devasthanam,
Mulesthanam.
3 Kalalkiri Parvathavativardhanamma w/o Venkata Rao
Mulsahanam & Archakas,Malswaraswamy Devasthnam
Mulsahanam
4 Kalalkuri Laxmana Rao s/o Sambasiva Rao.
Mulsahanam & Archakas,Malswaraswamy Devasthnam Mulsahanam
5 Kalalkuri Seshamma w/o Badra Rao
Mulsahanam & Archakas,Malswaraswamy Devasthnam Mulsahanam
6 Kalalkuri Sathya Durga Prasad s/o Viswanatham
Mulsahanam & Archakas,Malswaraswamy Devasthnam
Mulsahanam
7 Kallakuri Krishna Rao s/o Auchata Rama Rao
Mulsahanam & Archakas,Malswaraswamy Devasthnam Mulsahanam

..... PETITIONERS

AND

1 Revenual Divisional Officer, Rajahumundary E.G.Dist.
2 Mandal Revenue Officer, Alamuru, E.G. Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased

to issue an order, direction or any appropriate Writ more particularly in nature of a Writ of Mandamus declaring the proposed action of the Respondent in taking the possession of the lands from the petitioners in R.S.No215/1-B to an extent of 0-70 cents, 0-73 ½ , 0-73 ½ , 0-73 ½ , 1.45 cents 0-73 ½ and 0-73 cents total Ac.5.82 cents of of Mulasthanam (V) of Alamuru Mandal 1,E.G. Dist. to distribute the same to weaker sections for house sites without following the procedures laid down under law as illegal, arbitrary, high-handed, violative of principles of natural justice and also Article 300-A of Constitution of India and for a consequential order directing the respondents to drop all further proceedings in this regard.

Counsel for the Petitioners: MR.CH.DHANAMJAYA

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition has been filed seeking to declare the proposed action of the respondents in taking possession of the lands from the petitioners in R.S.No.215/1-B in an extent of 0-70 cents, 0-73 ½ , 0-73 ½ , 0-73 ½ 1.45 cents, 0-73 ½ and 0-73 cents totaling to Ac.5-82 cents of Mulasthanam village of Alamuru Mandal, East Godavari District, for the purpose of distributing the same to weaker sections for house sites without following the due procedure, as illegal and arbitrary.

The contention of the learned counsel for the petitioners is that all the petitioners are Archakas of Mulasthanam. They have been in possession

and enjoyment of the same by cultivating the lands and their source of livelihood is only the income derived from the said lands.

Despite service of notice, no counter has been filed by the respondents so far.

While admitting the writ petition on 13-12-1995 this Court granted interim stay of all further proceedings including taking possession of the lands in question.

The record goes to show that no steps have been taken by the respondents to vacate the above interim order.

In this view of the matter, it would suffice if a direction is issued to the respondents not to evict the petitioners from the lands in question, without following the due process of law.

Accordingly, the writ petition is disposed of directing the respondents not to evict the petitioners from their respective lands without following the due process of law. No costs.

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24-03-2005

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Copy to

1 Revenual Divisional Officer, Rajahumundary E.G.Dist.
2 Mandal Revenue Officer, Alamuru, E.G. Dist.

3 Two CCs to GP for Revenue, High Court buildings,

Hyderabad.(O.U.T.)

4 Two CD copies.